

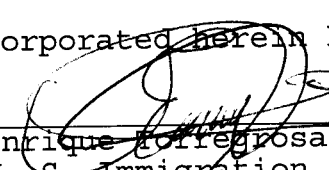
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA) Magistrate's No. **08 MJ 87 23**
)
Plaintiff,) COMPLAINT FOR VIOLATION OF
)
v.) 21 U.S.C. § 952 and 960
) Importation of a Controlled
Alberto ROCHA-Acosta (1),) Substance (Felony)
)
Isaura RODRIGUEZ-Tapia (2),)
)
Defendants.)

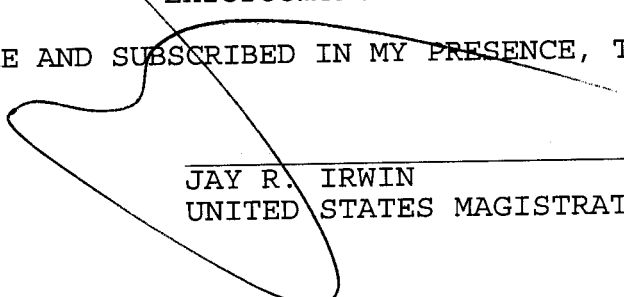
The undersigned complainant being duly sworn states:

That on or about August 14, 2008 within the Southern District of California, defendants Alberto ROCHA-Acosta and Isaura RODRIGUEZ-Tapia did knowingly and intentionally import approximately 48.60 kilograms (106.92 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Enrique Torresgosa Special Agent
U. S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF AUGUST 2008.


JAY R. IRWIN
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

v.

2 Alberto ROCHA-Acosta (1)

3 Isaura RODRIGUEZ-Tapia (2)

4 STATEMENT OF FACTS

5 This complaint is based on the reports, documents, and notes
6 furnished to U. S. Immigration and Customs Enforcement Special
7 Agent Enrique Torregrosa.

8 On August 14, 2008, at approximately 1625 hours, Alberto
9 ROCHA-Acosta (ROCHA) entered the United States from the Republic of
10 Mexico via the Calexico, California, West Port of Entry. ROCHA was
11 the driver and registered owner of a 2005 Dodge Caravan, bearing
12 California U.S. plate 6EMN848. ROCHA was accompanied by his
13 girlfriend Isaura RODRIGUEZ-Tapia (RODRIGUEZ).

14 Customs and Border Protection Canine Officer (CBPCO) E. Smura
15 contacted ROCHA as a result of his assigned Human/Narcotic Detector
16 Dog's alert during a pre-primary operation. CBPCO Smura obtained
17 negative Customs declarations from ROCHA and RODRIGUEZ. During
18 CBPCO Smura's pre-primary inspection, CBPCO Smura noticed ROCHA and
19 RODRIGUEZ were nervous, their nervous demeanor included, no eye
20 contact, trembling of hands, sweating and anxious to clear
21 inspection. CBPCO Smura asked ROCHA about the vehicle he was
22 driving and ROCHA stated he owned the van over a month and he lived
23 in Somerton, Arizona.

24 CBPCO J. Jones conducted a cursory search of the quarter
25 panels and discovered several packages. ROCHA and RODRIGUEZ were
26 escorted to the vehicle secondary office for further inspection.

27 Upon arrival to the vehicle secondary office, CBPO L. Garcia
28 contacted ROCHA and RODRIGUEZ and obtained negative Customs
declarations. CBPO Garcia conducted an inspection of the vehicle

1 and discovered several packages wrapped with clear plastic and
2 brown postal tape hidden within the quarter panels and dashboard of
3 the vehicle. CBPO Garcia probed one of the packages, which produced
4 a green leafy substance, which field-tested positive for marijuana.

5 CBPO Garcia removed forty-four (44) packages with a total net
6 weight of 48.60 kilograms (106.92 pounds) of marijuana.

7 Special Agent Torregrosa read the Miranda Rights to ROCHA and
8 RODRIGUEZ which they understood and waived agreeing to answer
9 questions. ROCHA stated a subject known to him as "EL GORDO"
10 offered him \$2,500.00 to smuggle marijuana into the United States.
11 RODRIGUEZ stated she knew they were smuggling drugs and she was
12 going to get money.